

MARC A. SAGGESE,)	
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Plaintiff,)	
)	Case No.: 2:09-cv-01884-GMN-PAL
vs.)	
)	
CHASE HOME FINANCE, LLC et al.,)	ORDER
)	
Defendants.)	
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Plaintiff Marc A. Saggese argues that Defendants interfered with short-sale negotiations in order to acquire the debt from the lender, and that Defendants are also liable for Intentional Infliction of Emotional Distress (“IIED”) because of harassing calls that Ed Kelly, an employee

1 of PRS, made to Plaintiff. The other claims concern the allegedly wrongful foreclosure.
2 Defendants have moved for judgment on the pleadings or for summary judgment. Only two of
3 the causes of action pled are plausible against Defendants: the seventh (for IIED) and the eighth
4 (for Intentional Interference with Contractual Relations (“IICR”)). The verified Amended
5 Complaint is sufficient to make out these two causes of action, and Defendants attach no
6 evidence to the present motion negating any of their elements. However, Defendants are not
7 sufficiently alleged to have anything to do with the other causes of action. Accordingly,
8 judgment on the pleadings is granted as to Kelly and PRS on all causes of action except the
9 seventh and the eighth, but judgment on the pleadings and summary judgment are denied to
10 Kelly and PRS on the seventh and eighth causes of action.


11 Next, Plaintiff has moved for leave to amend. (*See* #46). As Defendants note, the cutoff
12 date to amend was in February 2010, but the present motion was filed in April 2010. Plaintiff
13 seeks to change Defendant “Mike Hart” to “Ed Kelly” because Plaintiff only recently discovered
14 that “Mike Hart” was an alias for Kelly. This constitutes good cause, and the Court grants leave
15 to amend as to the change in name. However, there is no good cause to add an additional cause
16 of action under the Fair Debt Collection Practices Act (“FDCPA”), as Plaintiff also requests.
17 The facts supporting such a cause of action were known when the Complaint was filed.

18 CONCLUSION

19 IT IS HEREBY ORDERED that the Motion for Judgment on the Pleadings or for
20 Summary Judgment (#38) is GRANTED in part and DENIED in part. Judgment on the
21 pleadings is granted to Kelly and PRS on all causes of action except those for IIED and IICR.
22 Judgment on the pleadings and summary judgment are denied to Kelly and PRS as to IIED and
23 IICR.

1 IT IS FURTHER ORDERED that the Motion to Amend/Correct Complaint (#46) is
2 GRANTED in part and DENIED in part. Plaintiff may amend to substitute Ed Kelly for "Mike
3 Hart," but he may not amend to include a claim under FDCPA.

4 DATED this 19th day of July, 2010.

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8 GLORIA M. NAVARRO
9 UNITED STATES DISTRICT JUDGE
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